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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)

### Complete if Known

Application Number	0/745,458
Filing Date	12/21/2000
First Named Inventor	J. Moser
Examiner Name	Gupta, A.
Art Unit	1654
Attorney Docket No.	BJA272C

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TECH CENTER 1600/2905

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 501693 Deposit Account Name: CeramOptec Industries Inc

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>
	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
- 20 or HP =	x	=		50	25

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
- 3 or HP =	x	=		

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =		/ 50 = (round up to a whole number) x		=

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition Fee

<u>SUBMITTED BY</u>			
Signature	<u>Bolesh J. Skutnik</u>	Registration No. (Attorney/Agent) 36,347	Telephone 413-525-8222
Name (Print/Type)	Bolesh J. Skutnik, Esq., JD		Date Dec. 16, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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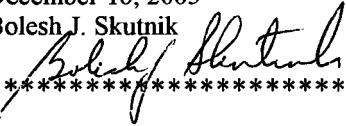
BJA272C

1654  
57+

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joerg Moser ) Examiner: Gupta, Anish  
Serial No: 09/745,458 )  
Filing Date: December 21, 2000 ) Confirmation No: 3984  
For: PHOTORESENSITIZERS WITH LIGAND ) Art Unit 1654  
TARGETING PROPERTIES FOR )  
TUMOR THERAPY ) Docket No. BJA272C

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail, # ED 454435987 US in an envelope addressed to: Commissioner of Patents, Box Petitions, Washington DC 20231 on:

Date : December 16, 2005  
By : Bolesh J. Skutnik  
Signature : 

\*\*\*\*\*  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

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**PETITION UNDER 37 CFR § 1.181(a)**  
**TO WITHDRAW HOLDING OF ABANDONMENT**

Dear Sir:

In response to the Notice of Abandonment mailed on May 18, 2004 (a copy of which is enclosed), pursuant to 37 CFR §§ 1.181(a) and 1.10(e) Applicant submits this petition for acceptance of timely-filed correspondence and withdrawal of the holding of abandonment in the above-identified application. This is a second attempt to clear this misunderstanding.

A prior Petition was faxed to the USPTO, a copy attached as Exhibit 1 on April 26, 2005. Upon inquiry, it now appears that that Petition was not entered into the record or acted upon. This new Petition follows:

**Facts of the Case:**

A first Office Action was mailed in the above-identified case on October 2, 2003, with a shortened period of response set at one month (i.e., November 2, 2003) and a statutory deadline for response of six months from the date of mailing (i.e., April 2, 2004).

As shown by the attached evidence, Applicant filed a Response to Office Action ("Response") on October 30, 2003, including only a single paper, having 4 pages. The Response was addressed as set out in 37 CFR § 1.10 to Mail Stop: Non-Fee Amendment, Commissioner for Patents, Washington, D.C., 20231, as Express Mail, post-office to addressee, under label number ER487197993US.

The Response included the number of the Express Mail label, as well as a certificate signed by Bolesh J. Skutnik, stating that it was deposited with the U.S. Postal Service on October 30, 2003, as required by 37 CFR § 1.10.

Applicant learned that the Patent and Trademark Office (PTO) had no evidence of receipt of the Response upon receipt of the Notice of Abandonment mailed May 18, 2004, and promptly collected all requisite information and evidence and prepared a letter to the PTO. The letter attached a copy of the Notice of Abandonment, a copy of the Response as filed, a copy of the Express Mail Receipt pertaining thereto showing a date of deposit October 30, 2003, and a copy of the itemized post card showing acknowledgement by the PTO of receipt date of October 30, 2003. The letter was faxed to the USPTO on May 20, 2004 at fax number 703-872-9306, and an auto-reply facsimile was received from the PTO confirming receipt of all 9 pages sent.

Applicant further attempted to contact the Examiner and Supervisory Examiner by telephone on November 2 and 4, 2004, to ascertain the status of the application. On April 14, 2005, while discussing a related application with the Examiner, the Examiner indicated that he had not acted in response to the May 20, 2004 letter to remedy the status of this application.

Evidence Submitted Herewith:

As required by 37 CFR § 1.10(e)(3) Applicant submits herewith a true copy of the Response as filed in the copy of the previous Petition.

In accordance with 37 CFR § 1.10(e)(4), Applicant submits herewith a statement of Bolesh J. Skutnik attesting to the mailing of the Response on October 30, 2003. Applicant further submits herewith a copy of the Express Mail label showing the 'date-in' of October 30, 2003, and of return receipt post card, submitted with the Response and returned from the PTO with indication that the Response was received in the OIPE on October 30, 2003.

Applicant further submits herewith a copy of the entire letter and enclosures sent via facsimile on May 20, 2004, in response to the Notice of Abandonment, as well as the fax

confirmation of receipt sent by the PTO.

Conclusion:

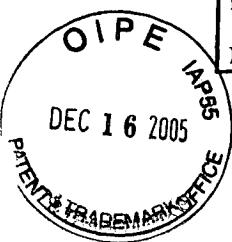
In view of the enclosed evidence of the timely filing and receipt of the Response of October 30, 2003, Applicant respectfully requests that the Commissioner withdraw the holding of abandonment and restore this application to pendency.

The Office is invited to contact Applicant's attorney at the address below if any additional evidence may be required to determine that the Response was timely filed or otherwise to challenge the holding of abandonment.

Under 37 CFR 1.181(a) and MPEP 711.03(b), no fee is believed to be required with this submission.

Respectfully submitted,

Date: Dec 16, 2003 By   
Bolesh J. Skutnik (Reg. No. 36,347)  
CeramOptec Industries, Inc.  
515 Shaker Road  
East Longmeadow, MA 01028  
Tel: (413) 525-8222  
Fax: (413) 525-0611



copy as  
sent

4/26/05

Ken

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to the Office of Petitions of the U.S. Patent and Trademark Office, at fax number 571-273-0025 on the date indicated below.

Date: 4/26/05

STANTON

Name: Collier

Signature: *AE Collier*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jorg Moser

) Examiner: Gupta, Anish

Serial No.: 09/745,458

) Confirmation No. 3984

Filing Date: December 21, 2000

) Art Unit: 1654

For: **PHOTOSENSITIZERS WITH LIGAND  
TARGETING PROPERTIES FOR  
TUMOR THERAPY**

) Docket No. BJA272C  
)

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

PETITION UNDER 37 CFR § 1.181(a)  
TO WITHDRAW HOLDING OF ABANDONMENT

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As shown by the attached evidence, Applicant filed a Response to Office Action ("Response") on October 30, 2003, including only a single paper, having 4 pages. The

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DEC 29 2005  
4/26/2005

Response was addressed as set out in 37 CFR § 1.10 to Mail Stop: Non-Fee Amendment, Commissioner for Patents, Washington, D.C., 20231, as Express Mail, post-office to addressee, under label number ER487197993US.

The Response included the number of the Express Mail label, as well as a certificate signed by Bolesh J. Skutnik, stating that it was deposited with the U.S. Postal Service on October 30, 2003, as required by 37 CFR § 1.10.

Applicant learned that the Patent and Trademark Office (PTO) had no evidence of receipt of the Response upon receipt of the Notice of Abandonment mailed May 18, 2004, and promptly collected all requisite information and evidence and prepared a letter to the PTO. The letter attached a copy of the Notice of Abandonment, a copy of the Response as filed, a copy of the Express Mail Receipt pertaining thereto showing a date of deposit October 30, 2003, and a copy of the itemized post card showing acknowledgement by the PTO of receipt date of October 30, 2003. The letter was faxed to the USPTO on May 20, 2004 at fax number 703-872-9306, and an auto-reply facsimile was received from the PTO confirming receipt of all 9 pages sent.

Applicant further attempted to contact the Examiner and Supervisory Examiner by telephone on November 2 and 4, 2004, to ascertain the status of the application. On April 14, 2005, while discussing a related application with the Examiner, the Examiner indicated that he had not acted in response to the May 20, 2004 letter to remedy the status of this application.

Evidence Submitted Herewith:

As required by 37 CFR § 1.10(e)(3) Applicant submits herewith a true copy of the Response as filed.

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further submits herewith a copy of the Express Mail label showing the 'date-in' of October 30, 2003, and of return receipt post card, submitted with the Response and returned from the PTO with indication that the Response was received in the OIPE on October 30, 2003.

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Conclusion:

In view of the enclosed evidence of the timely filing and receipt of the Response of October 30, 2003, Applicant respectfully requests that the Commissioner withdraw the holding of abandonment and restore this application to pendency.

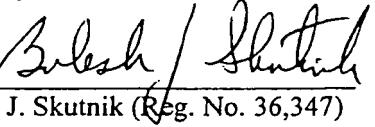
The Office is invited to contact Applicant's attorney at the address below if any additional evidence may be required to determine that the Response was timely filed or otherwise to challenge the holding of abandonment.

Under 37 CFR 1.181(a) and MPEP 711.03(b), no fee is believed to be required with this submission.

Respectfully submitted,

Date: Apr. 1 26, 2005

By

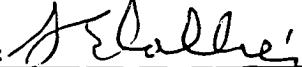
  
Bolesh J. Skutnik (Reg. No. 36,347)  
CeramOptec Industries, Inc.  
515 Shaker Road  
East Longmeadow, MA 01028  
Tel: (413) 525-8222  
Fax: (413) 525-0611

**CERTIFICATE OF FACSIMILE TRANSMITTAL**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to the Office of Petitions of the U.S. Patent and Trademark Office, at fax number 571-273-0025 on the date indicated below.

Date: 4/26/05

STANTON  
Name: Cullier

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Jorg Moser

Serial No.: 09/745,458

Filing Date: December 21, 2000

For: **PHOTORESENSITIZERS WITH LIGAND  
TARGETING PROPERTIES FOR  
TUMOR THERAPY**

)  
Examiner: Gupta, Anish  
)  
Confirmation No. 3984  
)  
Art Unit: 1654  
)  
Docket No. BJA272C  
)

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**STATEMENT OF BOLESH J. SKUTNIK**  
**IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Dear Sir:

I, Bolesh J. Skutnik, hereby declare and state as follows:

On October 30, 2003, I assembled the Response to Office Action in the above-identified U.S. patent application, including a four-page Response.

I deposited an envelope containing these papers with the U.S. Post Office of East Longmeadow, Massachusetts, on the afternoon of October 30, 2003, addressed to "Mail Stop: Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", in an Express Mail package post office to addressee, under Express Mail Label No. ER487197993US.

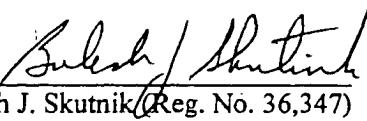
The Response included a Certificate of Express Mailing under 37 CFR 1.10. I signed and dated this Certificate of Mailing on October 30, 2003, before depositing the Response with the post office.

On May 20, 2004, upon receipt of the Notice of Abandonment mailed May 18, 2004, I prepared a letter requesting withdrawal of the holding of abandonment and acceptance of the Response as timely filed. The letter enclosed a copy of the Response, a copy of the Express Mail receipt showing date of deposit, and a copy of the itemized post card showing a receipt date of October 30, 2003.

On November 2 and 4, 2004, I attempted to contact the Examiner and Supervisory Examiner by telephone to confirm the status of this application. On April 14, 2005, in a conversation on a related application, the Examiner indicated that he had not acted in response to the May 20, 2004, letter to remedy the status of this application.

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application and the patent issuing thereon

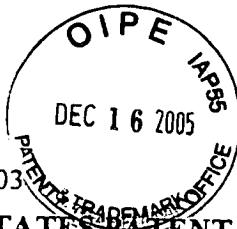
Respectfully submitted,

  
Bolesh J. Skutnik (Reg. No. 36,347)

Date: April 26, 2005

HARTFORD: 638050.01

Appl. No. 10/022,053  
Amtd. dated October 22, 2003  
Reply to Office action of June 25, 2003



472  
BJA 2454

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jörg Moser  
Serial No. : 09/745,458  
Filed : December 21, 2000  
For : PHOTOSENSITIZERS WITH LIGAND TARGETING PROPERTIES  
FOR TUMOR THERAPY  
Examiner : Anish Gupta  
Art Unit : 1654

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail, No. ER487197993US in an envelope addressed to: Mail Stop; Non-Fee Amendment, Commissioner of Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on:

Date : October 30, 2003  
By : Bolesh J. Skutnik  
Signature : 

\*\*\*\*\*  
ELECTION/RESTRICTION

Mail Stop: Non-Fee Amendment  
Commissioner of Patents  
Box: Non-Fee Amendment  
Washington, DC 20231

Sir:

In response to the Office Action dated October 2, 2003, having a shortened one month statutory period for response which expires November 2, 2003, we request that you please accept the following remarks as to the above-identified patent application:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

- 1.(currently amended) A complex for delivery and application of drugs to cell membranes or a defined distance from the membrane within cells comprising:
  - at least one parachute structure, having a preselected defined action diameter which hinders said structure from penetrating through a cell membrane; and
  - at least one therapeutic compound, which can penetrate said cell membrane..
- 2.(currently amended) A complex according to claim 1, wherein said parachute structure comprises hydrophilic moieties, and said hydrophilic moieties are preferably sugar residues that have said defined action diameter, and wherein said action diameter ~~can be achieved by~~ is defined by the structure of a branching unit to which said hydrophilic moieties are bound and the length and structure of said hydrophilic moieties.
- 3.(original) A complex according to claim 2, wherein said hydrophilic moieties are glucosamine molecules attaching to said branching unit.
- 4.(original) A complex according to claim 2, wherein said hydrophilic moieties may be monomers or oligomers with specific attachment points to selectins on specific cells so that the complex is targeted to said specific cells.
- 5.(original) A complex according to claim 1, wherein said parachute structure comprises a hydrophilic moiety and said hydrophilic moiety is a cyclodextrin.
- 6.(original) A complex according to claim 1, wherein said therapeutic compound is a photosensitizer.
- 7.(original) A complex according to claim 1, wherein ~~said~~ compound is a ~~chemo~~therapeutic drug.
- 8.(original) A complex according to claim 1, wherein said parachute structure is directly bound to said therapeutic compound.
- 9.(original) A complex according to claim 1, wherein said parachute structure is connected with said therapeutic compound by a spacer, and wherein said spacer is preferably  $\beta$ -aminoacids,

$\gamma$ -amino butyric acid, or poly-aminoacids, and wherein type and number of said spacer used define the distance of said therapeutic agent to cell membranes or its localization within the cell.

10.(original) A complex according to claim 9, wherein said spacer is preferably an aliphatic, aromatic or heterocyclic molecule, or an amino acid sequence.

11.(original) A complex according to claim 10, wherein said amino sequence has an enzyme cleavable breaking point.

12.(original) A complex according to claim 9, wherein using different number or type of said spacers to connect said therapeutic compound and said parachute structure delivers said complex into subcellular compartments at a defined distance from surface of said compartments.

13.(original) A complex according to claim 1, wherein said parachute structures are modified with signals for targeting said complex to a defined tissue or cell type in an organism.

14.(original) A complex according to claim 12, wherein said modified signals contain bridging structures like a biotin-avidin system.

15.(original) A complex according to claim 1, wherein said complex can be used for destruction of cells, and wherein said cells are prokaryotic, preferably bacteria.

16.(original) A complex according to claim 15, wherein said cells are eukaryotic, preferably human and animal cells.

17.(original) A complex according to claim 6, wherein said photosensitiser is close to said membrane during time of activation to render said photosensitiser more effective compared to a similar photosensitiser without said parachute structure.

18.(original) A method for the selective destruction of eukaryotic or prokaryotic cells comprising the steps of:

a. administering a complex, wherein said complex contains at least one parachute structure and at least one photosensitizer; and

b. waiting for a interval to allow said complex to selectively localize at cell membranes or at a defined position within a cell; and

c. irradiating a region where said complex was administered for a defined time interval and intensity to activate said photosensitizer, wherein said time interval and intensity are sufficient to achieve selective destruction of desired cells.

## REMARKS

The examiner has required applicant to elect under 35 USC §121 a single disclosed species for the parachute structure complexed to one therapeutic compound through a linker. In light of prior contact with this examiner in a companion case, it is understood that we have been asked to present a composition which exemplifies the generic claim and which is searchable by the examiner. Before making this election, we are going to amend the claims as originally presented to provide some added detail.

To comply with the requirements of 37 CFR § 1.143 to provide an example covered by the basic independent claim, a parachute structure and a therapeutic component need to be selected. For searching purposes, the parachute structure is chosen to be a cyclodextrin, preferably gamma-cyclodextrin, and the therapeutic component is chosen to be a photosensitizer with the porphyrin family structure. In the most basic format of the present invention the cyclodextrin is conjugated directly to the porphyrin photosensitizer there is no need for a spacer.

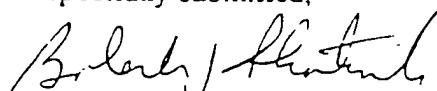
As a first restriction/extension to the above, the search could add the *spacer* species which is chosen as *beta-aminoacids or gamma-amino butyric acid*.

Should no prior art be found significantly close then the search parameters ought to be expanded to include another kind of parachute structure, wherein two sugar/amino sugar residues, e.g. glucosamine, are bonded to a trifunctional branching unit e.g. triazine trichloride or trimesinic acid trichloride. The therapeutic component remains a porphyrin photosensitizer.

Should an example for the *chemotherapeutic drug* be necessary we chose among those which are membrane active drugs, *Merphalene*.

With these remarks it is believed that the requirements of 35 USC, 37 CFR and the MPEP have been answered and the disclosure and claims are now in condition for examination as one whole invention. Consideration is respectfully requested. An early and favorable response is earnestly solicited. Thank you.

Respectfully submitted,



Bolesh J. Skutnik, PhD, JD  
Reg. No. 36,347  
Attorney for Applicants  
Fax: (413) 525-0611

Dated: October 30, 2003

CeramOptec Industries, Inc.  
515 Shaker Road  
East Longmeadow, MA 01028  
Phone: (413) 525-8222



ER 487197993 US



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Label 11-B September 2002

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Date In <i>Nov 12 2003</i>	Postage <input checked="" type="checkbox"/> 1-2 Day <input type="checkbox"/> 3 PM <input type="checkbox"/> \$ <i>B65</i>	Return Receipt Fee <input type="checkbox"/>
Time In <i>10:15 AM</i>	Priority <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Delivery Date <input type="checkbox"/> AM <input type="checkbox"/> PM
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No. <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <input type="checkbox"/> Total Postage & Fees <i>\$ B65</i>	COD Fee <input type="checkbox"/> Insurance Fee <input type="checkbox"/>

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Dr. Bolek J. Skutnik  
General Office Industrial Inc.  
515 Shoker Rd  
Send Long memo, in 10/02

Alexander, *AA*

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PHONE: *(413) 525-8222*

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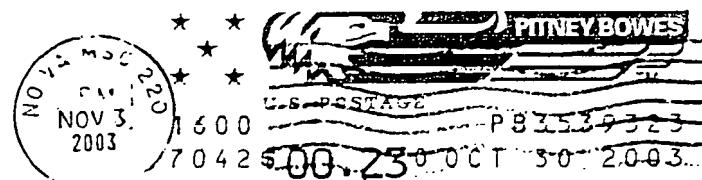
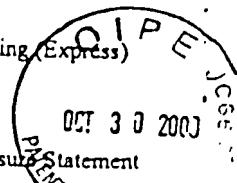
FOR PICKUP OR TRACKING CALL 1-800-222-1811  
**WWW.USPS.COM**

Ser./Reg./Pat.No. 09/745458 File No. BJ1272C By B. J. Skutnik  
Title/Mark Photoceramizer with Ligand Targeting, Proprietary Factor  
In the Matter of the Application of J. Husey

The following, due 11/2/03 in the U.S. Patent & Trademark Office, was received in the Patent & Trademark Office Mail Room on the date stamped hereon:

Affidavit or Declaration  
 Response to Office Action  
 Extension Request  
 Application for Patent Including  
    \_\_\_\_ Pages Specification \_\_\_\_\_ claims  
     Declaration or  Oath  Abstract  
Application for Registration/Renewal Including  
    Specimens/Facsimiles  
 Assignment  
 Brief  
 Check No. \_\_\_\_\_ For \$  
Mailed: Express Mail 10/30/03  
6248719799344

Drawings \_\_\_\_\_ Sheet(s) (Formal)  
 Transmittal  
 Maintenance Fee  
 Certificate of Mailing (Express)  
 Notice of Appeal  
 Petition  
 Power of Attorney  
 Information Disclosure Statement  
 Priority Document  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



Dr. Boleash J. Skutnik  
Ceram Optec Industries, Inc.  
515 Slater Rd.  
East Long Meadow, MA 01028

1024+3124 

# CERAMOPTEC®

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Date: May 20, 2004

Case Docket No. BJA272C

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

VIA FACSIMILE to (703) 872-9306

(9 pages)

RE: Request to Enter Timely Filed Reply to Office Action Mailed October 30, 2003

Application No.: 09/745,458

Applicant: Jorg G. Moser

Filing Date: December 21, 2000

Title: Photosensitizers with Ligand Targeting Properties for Tumor Therapy

Dear Sir or Madam:

This letter is in response to a Notice of Abandonment mailed May 18, 2004 for failing to timely reply to the Office Action mailed on October 2, 2003. A copy of the Notice is enclosed. Applicant did timely file a reply (a copy of which is enclosed) to that Office Action on October 30, 2003, and thus requests that the enclosed reply be accepted as timely filed and be given due consideration.

A copy of the Express Mail receipt is enclosed, showing that the reply was deposited in the U.S. Post Office on October 30, 2003. A copy of the itemized post card accompanying that reply, showing acknowledgement by the USPTO of a receipt date of October 30, 2003, is also enclosed.

I trust that this showing is sufficient to demonstrate that a reply to the above Office Action was timely filed, and that the holding of abandonment should therefore be withdrawn. Applicant respectfully requests that the holding of abandonment be withdrawn and that the enclosed reply be accepted as timely filed.

Sincerely,



Bolesh J. Skutnik, PhD, JD

Reg. No. 36,347

Attorney for Applicants

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 413 525 0611

Fax Information

Date Received:

Total Pages:

5/20/2004 3:55:41 PM [Eastern Daylight Time]

9 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(l). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====>

413 525 0611 16:14 04-20-2004		BIOLOGIC
401/01 P. 00		
Fax Longmeadow, MA 01021		
513 Shaker Road		
CERAMOPTEC INDUSTRIES, Inc.		
413-223-8222		
Attn: for Applicants		
Rfge. No. 36347		
Bolash, I. Shukla, P.D., JD		
Sincerely, <i>B. Bolash</i>		
I trust that this showing is sufficient to demonstrate that a reply to the above Office		
enclosed reply, be accepted as timely filed.		
Applicant respectfully submits that the holding of abandonment by withdrawal therefore be withdrawn.		
Action was timely filed and that holding of abandonment should therefore be withdrawn.		
I trust that this showing is sufficient to demonstrate that a reply to the above Office		
enclosed reply, be accepted as timely filed.		
Action was timely filed and that holding of abandonment by the USPTO of a receipt date of October 30, 2003, is also		
the U.S. Post Office on October 30, 2003. A copy of the terminal post card accompanying that		
copy of the Express Mail receipt is enclosed, showing that the reply was deposited in		
the U.S. Post Office on October 30, 2003. A copy of the Notice is enclosed.		
This letter is in response to a Notice of Abandonment mailed May 18, 2004 for failing to		
timely reply to the Office mailed on October 2, 2003. A copy of the Notice is enclosed.		
Application did timely file a reply (a copy of which is enclosed) to the Office Action on October		
30, 2003, and thus concludes that the enclosed reply be accepted as timely filed and be given due		
consideration.		
Applicant did timely file a reply (a copy of which is enclosed) to the Office Action on October		
30, 2003, and thus concludes that the enclosed reply be accepted as timely filed and be given due		
consideration.		
This letter is in response to a Notice of Abandonment mailed May 18, 2004 for failing to		
timely reply to the Office Action on October 2, 2003. A copy of the Notice is enclosed.		
Dear Sir or Madam:		
Title: Photocopies with Legend for Figures for Timber Therapy		
Filing Date: December 21, 2000		
Applicant: Jorge G. Moser		
Application No.: 09/745,458		
RE: Request to Enter Timely Filed Reply to Office Action Mailed October 30, 2003		
VIA FAXSIMILE to (703) 872-9306		
(9 page(s))		
Case Docket No. B/2272C		
Date: May 20, 2004		
----- CERAMOPTEC-----		

\*\*\*\*\* - IND. XMT JOURNAL - \*\*\*\*\* DATE MAY-20-2004 \*\*\*\*\* TIME 16:17 \*\*\*\*\*

DATE/TIME = MAY-20-2004 16:13  
JOURNAL No. = 04  
COMM. RESULT = OK  
PAGE(S) = 009/009  
DURATION = 00:02:38  
FILE No. = 871  
MODE = MEMORY TRANSMISSION  
DESTINATION = 17038729306  
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RESOLUTION = STD

-BIOLITEC

- \*\*\*\*\* -

413 525 0611- \*\*\*\*\*



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,458	12/21/2000	Jorg G. Moser	BJA272C	3984
7590	05/18/2004			EXAMINER GUPTA, ANISH
BOLESH J. SKUTNIK PhD,JD 515A Shaker Road East Longmeadow, MA 01028			ART UNIT 1654	PAPER NUMBER

DATE MAILED: 05/18/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	Application No.	Applicant(s)
	09/745,458	MOSER, JORG G.
	Examiner	Art Unit
	Anish Gupta	1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 02 October 2003.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:



*Brenda Brumback*  
BRENDA BRUMBACK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.